

APPENDIX A

COMMENTS LIST (RM 8012, CC Docket 94-54)

1. AirTouch Communications (AirTouch)
2. Allnet Communication Services, Inc. (Allnet)
3. ALLTEL Mobile Communications, Inc. (ALLTEL)
4. American Mobile Telecommunications Association, Inc. (AMTA)
5. American Personal Communications (APC)
6. Americell PA-3 Limited Partnership (Americell)
7. Ameritech
8. AMSC Subsidiary Corp. (AMSC)
9. AT&T Corporation (AT&T)
10. Michael B. Azeez d/b/a Deadwood Cellular Telephone Company, Durango Cellular Telephone Company, Ohio State Cellular Phone Company, Inc., and Trillium Cellular Corporation (Azeez)
11. Bell Atlantic Companies (Bell Atlantic)
12. BellSouth Corporation, BellSouth Telecommunications, Inc., BellSouth Cellular Corp. (BellSouth)
13. People of the State of California and the Public Utilities of the State of California (California PUC)
14. Cellular Service, Inc. and ComTech, Inc. (CSI/ComTech)
15. Cellular Telecommunications Industry Association (CTIA)
16. Century Cellnet, Inc. (Century Cellnet)
17. Cincinnati Bell Telephone (Cincinnati Bell)
18. Claircom Communications Group, L.P. (Claircom)
19. Columbia PCS, Inc. (Columbia PCS)
20. Comcast Corporation (Comcast)
21. Cox Enterprises, Inc. (Cox)
22. DCR Communications, Inc. (DCR)
23. Dakota Cellular, Inc. (Dakota)
24. Dial Page, Inc. (Dial Page)
25. E.F. Johnson Company (E.F. Johnson)
26. First Cellular of Maryland, Inc. (First Cellular)
27. Florida Cellular RSA Limited Partnership (Florida Cellular)
28. General Services Administration (GSA)
29. Geotek Communications, Inc. (Geotek)
30. Grand Broadcasting Corporation (Grand)
31. GTE Service Corporation (GTE)
32. Highland Cellular, Inc. (Highland)
33. Horizon Cellular Telephone Company (Horizon)
34. Lake Huron Cellular Corporation (Lake Huron)
35. LDDS Communications, Inc. d/b/a LDDS Metromedia (LDDS)
36. Maritel
37. McCaw Cellular Communications (McCaw)
38. MCI Telecommunications Corporation (MCI)

39. Miscellco Communications, Inc. (Miscellco)
40. National Association of Business and Educational Radio, Inc. (NABER)
41. National Association of Regulatory Utility Commissioners (NARUC)
42. National Cellular Resellers Association (NCRA)
43. National Telephone Cooperative Association (NTCA)
44. New Par
45. New York State Department of Public Service (New York DPS)
46. New York Telephone Company, New England Telephone & Telegraph Company, and
NYNEX Mobile Communications Company (NYNEX)
47. Nextel Communications, Inc. (Nextel)
48. OneComm Corporation (OneComm)
49. Organization for the Protection and Advancement of Small Telephone Companies
(OPASTCO)
50. Pacific Bell and Pacific Bell Mobile Services (Pacific Bell)
51. Pacific Telecom Cellular, Inc. (PacTel)
52. Paging Network, Inc. (PageNet)
53. Palmer Communications Incorporated (Palmer)
54. Personal Communications Industry Association (PCIA)
55. Point Communications Company (Point)
56. Puerto Rico Telephone Company (PRTC)
57. RAM Mobile Data USA Limited Partnership (RAM Mobile)
58. Rand McNally & Company (Rand McNally)
59. Rochester Telephone Corporation (Rochester)
60. Rural Cellular Association (Rural Cellular)
61. Saco River Cellular Telephone Company (Saco River)
62. Sagir, Inc. (Sagir)
63. Small Market Cellular Operators (SMCO)
64. SNET Mobility, Inc. (SNET)
65. The Southern Company (Southern Company)
66. Southwestern Bell Corporation (SBC)
67. Telephone and Data Systems, Inc. and United States Cellular Corporation (TDS)
68. Triad Cellular
69. TRW, Inc. (TRW)
70. Union Telephone Company (Union)
71. Vanguard Cellular Systems, Inc. (Vanguard)
72. Waterway Communications System, Inc. (Waterway)
73. Western Wireless Corporation (Western Wireless)
74. WilTel, Inc. (WilTel)

REPLY COMMENTER LIST (RM 8012, CC Docket No. 94-54)

1. AirTouch Communications (AirTouch), Erratum
2. Allnet Communication Services, Inc. (Allnet)
3. Amarillo CellTelCo (Amarillo)

4. American Mobile Telecommunications Association, Inc. (AMTA)
5. American Personal Communications (APC)
6. Ameritech
7. AT&T Corporation (AT&T)
8. Bell Atlantic Companies (Bell Atlantic)
9. BellSouth Corporation, BellSouth Telecommunications, Inc., BellSouth Cellular Corp. (BellSouth)
10. Cellular Communications of Puerto Rico, Inc. (CCPR)
11. Cellular Service, Inc. and ComTech, Inc. (CSI/ComTech)
12. Cellular Telecommunications Industry Association (CTIA)
13. Century Cellunet, Inc. (Century)
14. Comcast Corporation
15. Competitive Telecommunications Association (CompTel)
16. General Communications, Inc. (Gencomm)
17. General Services Administration (GSA)
18. Geotek Communications, Inc. (Geotek)
19. GO Communications Corporation (GO)
20. GTE Service Corporation (GTE)
21. Horizon Cellular Telephone Company (Horizon)
22. Larsen Cellular Communications, Inc. (Larsen)
23. LDDS Communications, Inc. d/b/a LDDS Metromedia (LDDS), Erratum
24. MCI Telecommunications Corporation (MCI)
25. National Association of Business and Educational Radio, Inc. (NABER)
26. National Cellular Resellers Association (NCRA)
27. New Par
28. New York Telephone Company, New England Telephone & Telegraph Company, and NYNEX Mobile Communications Company (NYNEX)
29. Nextel Communications, Inc. (Nextel)
30. OCOM Corporation (OCOM)
31. OneComm Corporation (OneComm)
32. Pacific Bell, Nevada Bell and Pacific Bell Mobile Services (Pacific Bell)
33. Palmer Communications Incorporated (Palmer)
34. Personal Communications Industry Association (PCIA)
35. Puerto Rico Telephone Company (PRTC)
36. Rochester Telephone Corporation (Rochester)
37. Rural Cellular Association (RCA)
38. RVC Services, Inc. d/b/a Coastel Communications Company (RVC/Coastel)
39. Southwestern Bell Corporation and Southwestern Bell Mobile Systems, Inc. (SBC)
40. Telephone and Data Systems, Inc. and United States Cellular Corporation (TDS)
41. Time Warner Telecommunications, a division of Time Warner Entertainment, L.P. (Time Warner)
42. United States Telephone Association (USTA)
43. UTC, The Telecommunications Association (UTC)
44. Vanguard Cellular Systems, Inc. (Vanguard)

45. WilTel, Inc. (WilTel)

APPENDIX B

Initial Regulatory Flexibility Act Analysis

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA.

Reason for Action

This rule making proceeding was initiated to secure comment on various proposals for the possible application of interconnection, roaming and resale obligations upon certain commercial mobile radio services.

Objectives

The Commission's rules already establish some requirements relating to roaming and resale for cellular providers. This rule making will clarify whether similar rules regarding roaming and resale will apply to other commercial mobile radio services, and explore whether an interconnection obligation for commercial mobile radio service providers would be in the public interest. In turn, this will promote regulatory certainty and allow for the enhanced provision of service to the public.

Legal Basis

The proposed action is authorized under the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(b), and Sections 3(n), 4(i), 303(r), 332(c), and 332(d) of the Communications Act of 1934, 47 U.S.C. §§ 153(n), 154(i) and 303(r), 332(c), and 332(d), as amended.

Reporting, Recordkeeping and Other Compliance Requirements

The proposals under consideration in this Notice do not propose new reporting or recordkeeping requirements on mobile services licensees.

Federal Rules Which Overlap, Duplicate or Conflict with These Rules

None.

Description, Potential Impact, and Number of Small Entities Involved

Many small entities could be affected by the proposals contained in the Notice. Interconnection obligations have not previously been applied to commercial mobile radio service providers. Resale and roaming obligations have previously only been imposed upon cellular providers. After evaluating the comments filed in response to the Notice, the Commission will examine further the impact of all rule changes on small entities and set forth its findings in the Final Regulatory Flexibility Analysis.

Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives

The *Notice* solicits comment on a variety of alternatives regarding interconnection, roaming and resale obligations for commercial mobile radio service providers. Any additional significant alternatives presented in the comments will also be considered.

IRFA Comments

We request written public comment on the foregoing Initial Regulatory Flexibility Analysis. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the deadlines provided in paragraph 107 of this Notice.

**Separate Statement
of
Commissioner James H. Quello**

**Re: Interconnection and Resale Obligations Pertaining to
 Commercial Mobile Radio Service (CC Docket No. 94-54)**

During my twenty-year tenure as a Commissioner I have always favored **removing** regulatory impediments. I have never believed in "one size fits all" regulation. Regulation must be adaptive not regressive. The policies pursued by this Commission must allow the regulated entities to exercise sound judgment unskewed by regulatory bias.

For these reasons, I heartily support this Notice of Proposed Rule Making (NPRM) and congratulate the Wireless Bureau for trying new approaches rather than simply relying on what has been done before. It is gratifying to see this Commission permit, yea, even encourage, providers to make reasonable **business** decisions. It is they, not us, who best know what their customers want and how to provide it. These proposals would, if adopted, allow them to do so.

This Notice of Proposed Rule Making proffers common sense proposals down the line. The foundational underpinning for these proposals is the determination that the mobile communications industries are changing rapidly and becoming ever more competitive. Therefore, at this seminal stage, it is premature for the Commission to mandate prophylactic rules because they are not only unwarranted but could be detrimental. Regulatory surplusage could arrest technical and operational development of advanced communications. Next generation mobile communications is the technological engine that is driving growth in the information age. We should foster, not retard, this effect.

This proceeding was initiated in response to Congressional directive as embodied in the Omnibus Budget Reconciliation Act of 1993. These statutory amendments, inter alia, created the new category of Commercial Mobile Radio Service (CMRS) and required that providers of like services be treated under similar regulatory strictures, i.e., "regulatory parity". Because of the nascent stage of the mobile communications industry and the impending arrival of several new competitors (e.g., Personal Communications Services [PCS], wide-area Specialized Mobile Radio [ESMR]), the Commission opened a broad Notice of Inquiry. The comments to the NOI reinforced the initial impressions that the industry was immature but undergoing rapid expansion and development.

Accordingly, I think that regulatory obligations created to address interconnection among common carriers controlling bottle neck facilities should NOT be grafted onto the mobile communications industries, which are competitive, will soon become even more so, and use differing and developing technologies. Grafting old regulatory "fixes," such as mandated interconnection, developed for other providers, common carriers, was premature -- at best -- and, probably, unwarranted altogether. Rather than "fixing" a putative "problem" (that no one has identified as such), the NPRM proposes to allow the market to work and permit the providers to respond to consumer demand. If consumers begin asking for CMRS to CMRS interconnection, the providers will find a way to provide it by contracts among carriers or by technology, if they are allowed to do so and it is allowed to develop, respectively.

The NPRM proposes a regulatory framework for CMRS that is forward-looking, flexible and places responsibility for growth and development of mobile communications in the hands of the providers, where it most properly resides. The NPRM fulfills this Commission's responsibilities by giving policy guidance where applicable. For example, the NPRM does provide broad policy guidelines on the issue of roaming because the ability to "roam" into other service areas has been envisioned as an integral part of mobile communications since inception. The one issue on which the NPRM proposes to impose a mandatory obligation is to extend the existing cellular resale obligation to the new providers, such as PCS. This will "jump start" these new services without excessive governmental intervention.

It is a pleasure to write separately to congratulate the staff for proposing something new rather than relying on past practice. I look forward to reviewing the comments and concluding this docket as soon as practicable.